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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND DIVISION

IN RE PLAID INC. PRIVACY  
 LITIGATION

Master Docket No.: 4:20-cv-03056-DMR

**JOINT CASE MANAGEMENT  
 CONFERENCE STATEMENT**

THIS DOCUMENT RELATES TO:  
 ALL ACTIONS

Hon. Donna M. Ryu  
 Date: February 11, 2021  
 Time: 1:00 p.m.  
 Courtroom: 4, 3rd Floor

Pursuant to Civil Local Rule 16-10(d), Plaintiffs Caroline Anderson, James Cottle, Rachel Curtis, David Evans, Logan Mitchell, Alexis Mullen, Jordan Sacks, Frederick Schoeneman, Gabriel Sotelo, Jeffrey Umali, and Nicholas Yeomelakis (“Plaintiffs”) and Defendant Plaid, Inc. (“Plaid”) respectfully submit this Joint Case Management Conference Statement for the February 11, 2021 Case Management Conference.

## **PROCEDURAL STATUS**

On July 29, 2020, this Court consolidated the related actions *Cottle v. Plaid*, No. 4:20-cv-03056-DMR, *Mitchell v. Plaid Inc.*, No. 3:20-cv-04230-SK, *Curtis et al. v. Plaid Inc.*, No. 4:20-cv-04344-DMR, and *Anderson et al. v. Plaid Inc.*, No. 3:20-cv-04480-JSC, and appointed Plaintiffs’ Co-Lead Counsel and a Plaintiffs’ Steering Committee (Dkt. 67). Plaintiffs’ Consolidated Class Action Complaint was filed on August 5, 2020 (Dkt. 61, the “Complaint”).

On September 25, 2020, this Court denied an administrative motion to continue the Initial Case Management Conference and stay discovery (Dkt. 89). The parties conducted their Rule 26(f) conference on September 30, 2020. The Initial Case Management Conference was held on October 7, 2020 (Dkt. 94).

On September 14, 2020, Plaid filed a motion to dismiss the Complaint, which was fully briefed on December 11, 2020 (Dkt. 78, 108, 111). Also pending before the Court are Plaid’s Request for Judicial Notice (Dkt. 81, 109, 112), Plaintiffs’ Request for Judicial Notice (Dkt. 110), Plaid’s Supplemental Request for Judicial Notice (Dkt. 113), and Plaintiffs’ motion for leave to file a Supplemental Request for Judicial Notice (Dkt. 115). Plaid’s motion to dismiss the Complaint will be heard on February 11, 2021, the same date as the Case Management Conference (Dkt. 114). A schedule has not been set for further proceedings.

## **DISCOVERY**

Discovery has commenced. The parties exchanged Rule 26 initial disclosures on October 5, 2020. Following meet and confer discussions, Plaid intends to serve Amended Initial Disclosures by February 11, 2021.

Plaintiffs served their First Set of Requests for Production to Plaid on October 27, 2020, and Plaid served Objections and Responses on December 11, 2020. The parties are currently in the

process of meeting and conferring concerning Plaintiffs' Requests and Plaid's Objections.

Pursuant to this Court's order of October 7, 2020 (Dkt. 94), the parties filed a proposed Joint Stipulated Protective Order on October 30, 2020 (Dkt. 106), which was approved on November 9, 2020 (Dkt. 107). With respect to a proposed stipulated ESI Protocol, the parties have met and conferred regarding evidence preservation, appropriate custodians, and Plaid's data storage and systems. Those discussions are ongoing.

Lastly, the parties propose a schedule to facilitate the timely progress of discovery, class certification, and trial, as set forth under "Scheduling," below.

### **SETTLEMENT AND ADR**

The parties have agreed to participate in a full-day mediation on February 16, 2021 before the Hon. Jay C. Gandhi (Ret.) to discuss the potential resolution of this matter. Plaid has produced documents and information to Plaintiffs' Co-Lead Counsel under Federal Rule of Evidence 408 for settlement purposes only.

### **SCHEDULING**

The parties have met and conferred about a potential pretrial schedule, and propose the following schedule:

<b>Event</b>	<b>Proposed Date</b>
Deadline for substantial completion of document production and production of complete privilege logs	8/31/2021
Close of fact discovery	11/15/2021
Plaintiffs serve class certification motion and Rule 23 expert witness report(s), if any	1/12/2022

Plaid serves class certification opposition and Rule 23 expert witness report(s), if any	3/9/2022  The parties agree that the deposition of the opposing party's experts will occur before the deadlines for the opposition and reply briefs on class certification so that such testimony may be used in the briefing.
Plaintiffs serve reply in support of motion for class certification and rebuttal expert report(s), if any	5/4/2022
Class certification hearing	6/9/2022

The parties respectfully suggest that the schedule for further proceedings and any further discovery should be addressed in a Case Management Conference to be scheduled at the Court's convenience, but preferably within one month, following the Court's Rule 23 decision.

#### **OTHER MATTERS**

The parties at this time do not request the attention of the Court with respect to matters other than those outlined above.

Dated: February 4, 2021

/s/ Rachel Geman

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*Counsel for Defendant Plaid Inc.*

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**Filer's Attestation**

Pursuant to Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from each of the other signatories.

Dated: February 4, 2021

/s/ Rachel Geman

Rachel Geman

LIEFF CABRASER HEIMANN & BERNSTEIN, LLP